

REMARKS

Claims 1-6 and 8-15 are pending in the present application. The Office Action and cited references have been considered. Favorable consideration is respectfully requested.

Claims 1-6 and 8-15 were rejected under 35 U.S.C. §103 as being unpatentable over Piasecki et al (U.S. Patent No. 5,117,453) in view of Jarvinen et al (U.S. Patent No. 6,170,073). This rejection is respectfully traversed for the following reasons.

The claimed invention as recited in claim 1 includes at least one detector operative to receive at least two different types of signals, each associated with a different class of quality of service and to distinguish between the at least two different types of signals, a first transmission means operative to transmit receive signals along a first transmission path and to divert signals of at least one other type selected from among the at least two different types of signals and associated with a service that requires a lower class of quality, from the first transmission path, and a second transmission means operative to transmit the diverted signals along the second transmission path. Claim 13 has been amended in a similar manner. These features are not taught, disclosed or made obvious by the prior art of record.

In Piasecki, there is an apparatus for detecting a presence of voice band data signals and an apparatus for detecting the presence of group facsimile signals (column 2, lines 60-62). These means detect the presence of two different types of signals. However, the type of signals in Piasecki do not relate, i.e., are not associated

with a different class of quality (see p. 4, 2nd full paragraph of the substitute specification filed on January 25, 2006). Piasecki contains no disclosure of any means for detecting signals having a different class of quality from one another. The Examiner has acknowledged this and cites Jarvinen as allegedly teaching this feature. Applicant respectfully disagrees.

Upon reviewing the combination of the references used by the Examiner to establish the rejection under Section 103, Applicant respectfully submits that this combination is improper, as there is no motivation to combine the two references. Piasecki describes a method and apparatus for interconnecting a plurality of telephone communication trunks to a transmission network and belong to Int. Class Ho4M (US classes 379/100, 379/93 and 375/5), whereas Jarvinen discloses an encoder that encodes digital signals by classifying them into classes indicative of their influence on data quality and subjects them to error detection encoding. Jarvinen has been classified under Int. Class Ho3M (US Classes 714/758, 714/755, 714/757 and 714/752). These two references thus are not analogous art, and one of ordinary skill would not have been motivated to look to Jarvinen to solve problems with the system disclosed in Piasecki.

Even, assuming for the sake of argument only, that the combination proposed by the Examiner would have been a proper one, still, the combination would not have resulted in the claimed combination. First, the Examiner relies on col. 7 lines 1- 56 and Fig. 2A of Piasecki, stating that they teach “transmission means operative to transmit received signals along a first transmission path, and to divert signals of at least one other type”. (Page 3, lines 1-2 of the Office Action). Applicant respectfully

disagrees. Piasecki does not teach the diversion of signals to another path, but rather how to adapt the path being used to the type of the signal transmitted. For example, "If a facsimile transmission is present detector 53 notifies the main CPU 44 of the trunk channel in which it occurs. If the detection occurs for a trunk signal which is not classified as carrying facsimile signals, then the main CPU 44 marks the trunk channel as a facsimile trunk channel. Until marked otherwise, the trunk channel remains as a facsimile trunk channel. . . ." (Col. 6, line 67 to col. 7, line 5.)

Furthermore, from the teaching of Jarvinen, one of ordinary skill in the art would understand that one may classify signals into classes that are indicative of their influence on data quality. In addition, as the Examiner himself has rightfully pointed out, the motivation to carry out the classification of Jarvinen as stated in p. 3 lines 13-20 of the Office Action, is very clear: "[t]his reduces the number of lost signals and reduces the need for bad signal substitution. Additionally, the number of undetected bad signals is reduced and thus signals having the potential to cause degradations in the reconstructed signals are detectable and inhibited from being used for such reconstruction." (Col. 3, lines 34-39.)

However, this is not what the present invention is about. The classification proposed by the present invention is of signals which are associated with services of different quality, in other words, according to the present invention even if the signals were of the highest quality, still, as long as they are associated with a service of lower class of quality, they will always be considered as such and be diverted from the

first transmission path, which of course brings a completely different result as the result that would have been obtained by the combination proposed by the Examiner.

Therefore, even if a person skilled in the art would have had the motivation to combine the two references cited by the Examiner, there would have been no suggestion in this combination to lead that person to the present invention, and if at all, such combination teaches away from the present invention, as it leads the person reading the references to choose a classification based on the signal quality and not on the type of service with which that signal is associated.

For at least these reasons, Applicant respectfully submits that claims 1 and 13 are patentable over the prior art of record.

Claims 2-6, 8-12 and 14-15 depend from and include the recitations of claims 1 and 3, respectively. Applicant respectfully submits that these claims are patentable in and of themselves and as they depend from and include the recitations of claims 1 and 13, respectively, for the reasons discussed above.

In view of the above amendments and remarks, Applicant respectfully request reconsideration and withdrawal of the outstanding rejections of record. Applicant respectfully submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

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Respectfully submitted,

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